

THE LEISURE HOUR

A FAMILY JOURNAL OF INSTRUCTION AND RECREATION.

"BEHOLD IN THESE WHAT LEISURE HOURS DEMAND,—AMUSEMENT AND TRUE KNOWLEDGE HAND IN HAND."—*Cooper.*



OLD SYBIL GRAMES.

THE GRAMES OF GLENMAVIS.

A TALE OF THE JACOBITE TIMES.

I.

In the Scottish county of Linlithgow, and not far from the little town of Bathgate, there lies a green wooded dell called Glenmavis, known to the lovers of country walks for its flowery banks and bowery dingles, and notable over all Scotland on account of a neighbouring distillery of highly esteemed whiskey, which takes its name from the glen. That distillery is said to occupy the site, if not the foundations, of an ancient haw or

mansion, which in the year 1750, and for many an age before, was the residence of a family known as the Grames of Glenmavis. They were, in Scottish parlance, lairds of the surrounding lands, and had been a numerous and powerful connection in the preceding century. But time and change had told upon the clan, its branches had died out, its possessions had been diminished, till at the time of our story, five years after the last Jacobite rebellion, the Grames consisted of the old laird, who owned and occupied his ancestral mansion, the young laird, who had been, as the phrase went, out in the Forty-five, and was consequently an exile on

the Continent, Gilbert, an orphan lad and next of kin, his uncle Archie, somewhat further removed, and a dame who claimed cousinship with them all, and was known as Luckie Sybil.

The old laird was a widower, and without son or daughter excepting him that had turned out for Prince Charlie, much against his father's will it was said. The old gentleman had been out in the Fifteen, escaped the scaffold rather narrowly, and had a still stronger chance of losing his lairdship. But the intercession of friends in high places had saved the house and part of the surrounding acres from utter forfeiture, and the laird, though known to be an ardent Jacobite (always in hopes that the king would get his own again, and particularly devoted to drinking the health of his Majesty over the water, time and place being convenient), was like Charles II, determined not to be sent once more on his travels. He had discountenanced and almost disowned his son for following the young Chevalier, and even in his exile seldom mentioned him without such titles as that "daft ne'er do weel," though the young man was given out to be making his way to fame and fortune as an officer in one of the Austrian regiments which the Empress-Queen Maria Theresa had sent to carry on her Italian war. The old laird had news of his exploits for the Jacobite cronies, and nonjuring clergymen who occasionally cheered his solitude and shared his loyal potations at the haw. He was believed to be proud of the young master of Glenmavis, as friendly neighbours continued to call the exile, and to entertain some hopes of his son's ultimate restoration to family honours and inheritance, which failing him must pass to the orphan lad young Gilbert, and his uncle Archie, whom the old laird hated with all his heart.

The feud had its source in a by-gone generation. Archie's father and Gilbert's grandfather had abandoned prelate and the Stuarts for presbyterianism and the Prince of Orange in the Revolution time. Their successors had held fast by their choice in church and state, though it brought them no prosperity. Loss and reduction had pursued those offshoots of the Graemes, even more than the chief branches of the family tree. The old laird reckoned it a special judgment on their Whiggery, forgetting that many a Scottish house was then flourishing fair on the same confession. But his dislike of the uncle Archie was on nearer and more personal grounds. The relatives had no communication. Jacobites and Whigs could not come together with any chance of peace in those days, yet the sober practice and Presbyterian principles of the humbler relation had a rebuking effect in that rustic locality of old neighbours and gossips; moreover, Archie had been from his youth upward in the habit of reflecting severely on what he called the unchristian liberty of the laird's life and conversation, and in later days on the uncommendable courses of his son. The young master of Glenmavis had been a wild youth before he went out in the Forty-five, and the partial uncle took occasion at times to contrast his conduct with the hopeful doings of his own better brought up nephew, and remarked that if it were according to the designs of Providence, the latter would make a more creditable laird and set a better example to the country side.

Gilbert was acknowledged to be a guid lad by all parties. The laird included him in his denunciation of whiggish hypocrites and degenerate Graemes, merely because he lived with his uncle who had brought him up; for Gilbert was early left to his care a penniless orphan, and the good man had no children of his own. They would have been far-out cousins but for Archie's marriage,

which made him Gilbert's uncle on the maternal side, but the lad's father had been Archie's friend as well as his relation, and in a manner bequeathed Gilbert to him as the only legacy he had to leave, for the boy was motherless. Archie accepted the solemn trust; and not even the old laird could say that he had not fulfilled it, in spite of many a hard reverse and crushing disappointment, which had fallen on his honest and untiring efforts to retrieve his family's position and maintain the dignity and gentle blood of the Graemes. The last acre of their hereditary lands had been sold in Archie's youth. He had commenced life as a tenant farmer, but his crops had been destroyed and his stock carried off in the rebellion of 1715, his farm happening to lie in the way of the rebel army, and his cousin the laird affording him anything but protection. After that Archie attempted brewing in the neighbourhood of Linlithgow town, but his premises were burned and his business ruined by an accidental fire. Lastly he took to the linen manufacture, a paying one in those days, cotton being yet unknown in the north, and but little south of Tweed. It was easily established too: the yarn was spun by guid wives and lassies, in surrounding farmhouses; the weaving was done by hand-loom, and a slender capital borrowed from a friendly farmer in the west country, who, being an old-light Presbyterian, would take no interest, as that would be putting his coin to usury, but strictly covenanted for repayment at Falkirk Tryst on the following Martinmas, together with the present of seven Scotch ells of guid holland fit for Sabbath wear. This loan enabled Archie to purchase three looms and engage as many skilful weavers, to rent an old but substantial house in the Palace Wynd, then reckoned a respectable street of Linlithgow, and running close by the ruined dower-house of the Queens of Scotland. There Archie established himself and his family, the latter consisting of his faithful industrious wife Marian, his nephew Gilbert as aforesaid, and an attached servant-maid named Meg, who had been in the household for many a year, and was still willing to take her share of its good or evil fortune.

Their neighbours' account of that family was, that they never wasted a minute nor spent half a farthing if they could help it. Steady work and strict economy were the rules of the house. Yet nobody called Archie Graeme and his wife skinflints. The spinners, who sold their yarn to him in Linlithgow market, testified to getting fair prices, though it might be after a hard bargain. The weavers in his employment agreed that their wages were just and duly paid. No pressure of work, no prospect of profit ever prevented the household from giving time to their family worship, after a good old Presbyterian fashion, and the Sabbath rest was strictly observed throughout the four-and-twenty hours. Meg the maid had no complaints of the domestic supplies, though she sometimes hinted that weel-descended folk could live on little. Weel descended the Graemes were known to be, and their hard and honest struggle to retrieve their family position was sincerely respected by their Scottish neighbours. Yet it was not for themselves that Archie and his good wife Marian were striving so much as for Gilbert, "our Gilbert," as the kindly pair were accustomed to call the boy they had brought up as their own son. In spite of reverses and failure in farm and brewery, they had contrived to give him an education befitting his gentle blood, and also to get him articled to Willy Wotherspoon, the most notable writer, that is to say, lawyer, in Linlithgow. Archie would take a turn on the loom himself, and carry the strictly measured webs on a pack-horse to the Lawn Market in Edinburgh; but no earthly consideration

could induce him or his Marian to permit Gilbert's having a hand in matters so far beneath his lineage. "Our day is nearly done," they would say, "and his no right risen. Gilbert may come to the lairdship of Glenmavis, or may be to be a law-laird; and no gossipin' wife shall say she e'er saw him measurin' webs, or castin' the shuttle."

Gilbert, being, as we have said, a good lad, did his best to repay their care and kindness by walking according to their precepts and example, minding his school lessons in boyhood, minding his business now that he was grown to man's estate and hoped to be a writer to the Signet. There were some brighter lads in Linlithgow, many more given to the finery and fashions of their day, but none that led a more blameless life, or laboured more conscientiously to fulfil the hopes and wishes of his seniors.

There would have been none more likely to shine in ladies eyes' either—for Gilbert was a handsome, graceful youth, worthy to be a descendant of the gallant Grames—but for an over-serious, anxious look, arising from inward fears which pressed upon Gilbert's days and nights, first, that nature had never intended him for shining in the law, or making the money Willy Wotherspoon had done; and secondly, that without the last-mentioned requisite he would have no chance of acceptance with Willy Wotherspoon's only daughter and heiress, Miss Grizzy, the belle of Linlithgow, and known to have rejected suitors from every quarter of the Lothians. These were Gilbert's private concerns, not to be mentioned to the old people of course, though Marian Græme partly guessed them with a woman's wit, and was not pleased that her adopted son should so far undervalue his own merits and chances in the world. But there was a subject of more public interest to the whole family, if not to the whole town, seldom discussed, and much against the Grames' liking, and that was their cousin Sybil. Miss Sybil she had been called in her youthful days, when, as an Edinburgh advocate's daughter, with some pretensions to fashion, and more to beauty, she danced at the assemblies, and was toasted in the taverns. But those days were long passed. Sybil Græme had eloped with an officer of a Highland regiment, accompanied him to Flanders, gone through nobody knew what scenes of life on the Continent, and returned, after forty years of wandering, a tall, thin, withered woman; poor, friendless, and without relations, excepting the Laird of Glenmavis and the Grames of Palace Wynd.

Under neither of the roofs would Sybil seek for shelter; and in truth neither was anxious for her company, though willing to contribute, the laird after a grudging, and Archie after a rebuking fashion, to the maintenance of the last and not most creditable lady of their house; for she was still a Græme. Sybil received their help with little ceremony, and less thanks at first; but by-and-by either the grudge and the rebuke became too much for her patience—Sybil had never been remarkable for that virtue—or her own powers of fine spinning were sufficient for the old woman's support. She plainly told her cousins to keep both their charities and their tongues at home, and refused to hold the smallest intercourse with the family of laird or weaver, as it was her pleasure to term them, excepting Gilbert, who, having never reproved or slighted the antiquated belle, continued to stand high in her favour.

To stand well with Sybil Græme was something in the estimation of Linlithgow; for scarcely had the poor and wrinkled dame taken up her abode in a half-ruined cottage in the utmost outskirts of the town, and close

by the Moor kirk-yard, an ancient cemetery attached to a roofless church, when she became a power and a dread throughout the neighbourhood. In short, it was bruited that Sybil was a witch. Whether she had learned the Black Art in her distant travels, or been initiated into it by dames of dark repute known to her youth in Edinburgh, the townspeople were not agreed. But that she was seen at all manner of uncanny hours and in uncanny places, the roofless church and the ruined palace not excepted, could be testified by young and old; it was equally certain that the future was revealed to her. Had she not prophesied that the palace would be na the better of the English dragoons quartered there in the rebellion time, and had she not advised the young master of Glenmavis to have no hand in Prince Charlie's business, for the Chevalier would be uncommon glad to get back to France? Moreover, her wrath had shown itself terrible to niggardly wives and scornful lassies, ill-mannered lads and unmindful men: matches had been broken off, crops blighted, and cattle killed, domestic and trading operations grievously athwarted by her occult powers, and accident, sickness, and death had been the consequences of her anger.

Fortunately for Sybil, witches were no longer tried and condemned by the High Court of Justiciary, but the Kirk took cognisance of all such culprits. Before the Kirk Session she was cited on sundry flagrant charges, but Sybil defended herself with such spirit and skill that none of them could be proved against her, and threatened the chief of her accusers with actions for defamation, slander, and leasing. Nevertheless, the conviction of her witchcraft remained in the mind of Linlithgow, and a heavy concern it was to the Grames in Palace Wynd. The laird took no trouble on the subject except to swear at it; but to Archie, a serious, sober man, an elder in the very Kirk Session before which she had been cited, to his good wife Marian, and to his genteel nephew Gilbert, the black reputation of their cousin Sybil was a more than ordinary trial. Like most men of his time and education, Archie was somewhat uncertain in the matter of witchcraft. Presbyterians and synods of the period were divided in opinion between wicked imposture and a distinct bargain with the enemy. The seniors of the community had seen witches burned, and therefore believed. The young generation took to the new light, and laughed at old world tales. The Grames, including Gilbert, halted in a manner between the two camps; their cousin Sybil had escaped public condemnation and penance, at the kirk door or elsewhere, and they were satisfied to have escaped the family disgrace, but the evidence against her was so strong that every mind in the household was made up on the extreme desirableness of her quitting Linlithgow.

Sybil, however, was in no hurry to quit. To her cousin's remonstrances and friendly offers to forward her removal and distant settlement as far as funds would allow, she answered resolutely, "I'll stay till I like to gang, guid mon," and further reply or explanation was not to be had. But the attention of the townspeople, and even that of the Grames was about this time turned to another subject.

Through all the dwellings of Linlithgow, through all the farms and villages in its neighbourhood, there went a mighty report of the spoliations done by a robber gang that had suddenly appeared on moor and highway to the great loss of travelling traders, and the peril of solitary houses. There was no end to their depredations, and no discovering of their haunts or hiding-places; pursued in one direction by the town guard or

by soldiers from the nearest garrison, they were heard of in full action in the opposite quarter. The Edinburgh mail had been stopped and robbed by them, a collector of excise travelling with a mounted servant and holster pistols had been made to deliver up his charge of Government money, and a captain of dragoons on his way to the west country had been plundered within half a mile of Falkirk. What made the accounts still more startling was that they all agreed on the leader being a woman, tall and powerful beyond the wont of the sex, but always attired in female habiliments, the most conspicuous of which was a long red cloak and hood covering the entire face, except a pair of fierce glittering eyes which looked out through a couple of slits in it. The commands of this chieftainess were delivered in a hollow screeching voice which those who heard never forgot, so unearthly was its tone, but they were implicitly obeyed by her followers, and the style and title the band pleased to adopt was the Red Caird and her men.

The term Caird had come down from the Highlands, and originally signified "tinker." But the unscrupulous habits of those wandering artisans gave it a general application to sturdy beggars and bold thieves. The land had been troubled with the like in preceding years; outlawed Highlanders, and disbanded soldiers, and the dregs of the late rebellion had levied contributions from outlying farms and solitary travellers, but none of their well-remembered doings equalled in skill and audacity those of the Red Caird and her men. The latter seemed to know by instinct where prey was to be had, and how it could be pounced on. The farmer coming home from market after a fortunate sale of corn or cattle was set upon and robbed, while his less lucky neighbours passed the same way, without seeing Caird or man. The house to which money had come, however privately, was sure of a visit on the following night, and at length the town of Linlithgow was alarmed by the news that one of its most respected merchants, who had got large accounts paid in, was robbed and almost murdered in his own house at the foot of the High Street, while his family were absent at the Sabbath evening sermon.

This state of things was not to be borne. The town baillies and the county magistrates held meetings and took measures. The surrounding gentry instituted search and inquiry after the Caird and her accomplices in their respective neighbourhoods. Even the Laird of Glenmavis, who had hitherto kept aloof from public affairs from fear of coming in contact with Whigs, came out of his retirement and showed extraordinary zeal against the common enemy. The public did not wonder, for the laird's house was a lonely one, and, notwithstanding the fines and forfeitures for the Fifteen, seemed to be getting rich of late, if neighbours might judge from what was spent and spared about it. Doubtless he had reason to dread the Caird's coming that way, and the old man took Jacobite occasion to reflect on the reigning powers. Country sides were not harried in that way in the days of rightful kings; and if his son were at home taking care of Glenmavis instead of serving the Empress-Queen, there would be fewer cairds troubling honest people. Nobody else placed such confidence in the absent heir, though, as if in hopes of interesting the country in his favour, the laird's accounts of his exploits in the Italian war were both full and brilliant at the occasional dinners and convivialities to which the business of the day gave rise among the county gentry. But, except for such social purposes, their meetings and measures were all in vain. No trace of the Caird's haunts or hiding-places could be discovered, no intelli-

gence of whence she came or who were her followers. Travellers who had the misfortune to make their acquaintance averred they had never seen such men before in that part of the country, and the robberies went on by night and day in spite of every precaution.

HINTS ON LEGAL TOPICS.

COPYRIGHT.

II.

As a branch of the subject of copyright in books, a few words may be added with regard to the right as it exists in *periodical publications* (exclusive of newspapers), such as magazines, monthly and weekly serials, etc.

This part of the subject is regulated by an express enactment of the Copyright Act of 1842, which it will be well to state at once, without troubling the reader with any investigation into the older law.

It is now provided that where any publisher or other proprietor of any encyclopædia, review, periodical, magazine, or serial work has employed persons to write essays, articles, or portions thereof for publication, and such articles have been composed under such employment on the terms that the copyright shall belong to and be paid for by the proprietor, *then* the copyright shall be the *property of the proprietor*, who is to enjoy the same rights as if he were the *actual author*. There is, however, this exception, that, after a period of twenty-eight years from the first publication, the *right of publishing* the reviews, articles, etc., in a separate form is to *revert to the author* for the term prescribed by the Act in the case of books. It is also provided that, during the twenty-eight years, the proprietor is *not to publish* any such essay or article "separately or singly," *without the consent* of the author. But the above provisions are not to affect the rights of authors or writers who may have *reserved* by express agreement the right of publishing their contributions in a separate form.

Registration at Stationers' Hall of the *title* of a serial work, the *time* of the publication of its first number, and the name and place of abode of its proprietor (and also of its publisher when the publisher is not also the proprietor), will confer on the proprietor all the rights of registration under the Act of 1842.

The present Lord Chancellor (Cranworth), when Vice-Chancellor, having had occasion to consider the statute, came to the conclusion that *payment* by the proprietor of the person employed to write is a necessary preliminary to the vesting in the proprietor of the copyright in the article written by the contributor. This construction of the Act of Parliament, which seems favourable to the article writer, as being an incentive to the employer to pay him speedily, in order to secure the copyright, must be considered to be law at the present day.

The most interesting of the decisions that have been made of late years on this enactment are the following:—

In 1840 an agreement was entered into between Mr. Forsyth, a barrister, and Messrs. Saunders and Benning, booksellers, whereby it was agreed that the former should prepare a treatise on a certain subject, and that the latter firm should pay the expenses and divide the net profits, if any, with the author. If all the copies should be sold, and a second edition be required, the author was to make the necessary alterations, and the booksellers were to publish the second and every subsequent edition on the same terms. If all the copies of any edition should not be sold within five years of its publication, the booksellers were to be at liberty to dispose of the remaining copies as they thought fit, so that

the account might be closed. Two editions were published, and then the booksellers' property in the work passed into other hands. It was afterwards, in the year 1855, decided that, under the above agreement, the author had *not* parted with his copyright.

A more important decision was arrived at in the same year. Messrs. Sweet, the publishers, were the owners of "The Jurist," a periodical which gives reports of cases decided in the courts of law. Members of the bar are employed as contributors; and previously to this decision the arrangement between the publishers and the reporters was verbal only, and *nothing had passed between the parties* as to copyright. Messrs. Sweet complained of piracy on the part of other publishers, who contended, in defence, that Messrs. Sweet had no copyright in the reports. Lord Chief Justice Jervis, however, decided that the publishers *had* a copyright, and observed, "I entertain the opinion that where the proprietor and publisher of a periodical employs a gentleman to write expressly for that periodical, of necessity it is implied that the copyright of the article written expressly for that periodical, and paid for by the proprietor, should be the property of the publisher and proprietor of the periodical; otherwise it might be that the author, the day after the publication of the periodical, might publish his works in a separate form, and there would be no property, or benefit, or corresponding return to the original publisher for the payment made to the author. I think, and the rest of the court concur in the opinion, that there is an implied condition, undertaking, or arrangement between the parties that a gentleman employed under these circumstances writes for the publisher and proprietor of the periodical, who acquires a copyright in the articles so written and published."

In 1858 a writer had been employed by the proprietor of "The Welcome Guest" to contribute an article for the Christmas number of that work. The article, which was called "The Fifth Ring," was accordingly composed and published in the Christmas number for 1858. A Mr. Maxwell had since become the proprietor of "The Welcome Guest," and in 1860 he advertised the publication of a work entitled "The Wedding-rings of Shrimpton-super-Mare," which included the article called "The Fifth Ring." It was decided that Mr. Maxwell had no right to publish the article without the writer's consent, and that he ought to be restrained from so doing, without the necessity, as was contended, of the writer first registering the article as a separate publication. The title of the writer was held to be a right wholly independent of copyright, and depending upon the section of the statute given above, which forbids publication of an article by the proprietors of a magazine without the consent of the author. The injunction was afterwards made perpetual.

In 1849 a Mr. Smith, who was then proprietor of "The London Journal," composed for it three tales, called "Ulrich the Saxon," "The Heiress," and "Cromwell; or, the Protector's Oath," which were published in it in the course of that year, under the common title of "The Chronicles of Stanfield Hall." In 1863 Messrs. Johnson and Wilson were the proprietors of "The London Journal," and in that year they commenced republishing, in weekly supplementary numbers, the tale called "Ulrich the Saxon," under the title of "Stanfield Hall," and further advertised a "Reissue of John Frederick Smith's best Tales: Stanfield Hall," etc. Mr. Smith had not given his consent to the republication, and moved the court to restrain it. The Vice-Chancellor (Stuart) considered that this was a "separate" publication within the words of the statute; and, as it had been made without the con-

sent of the writer, it was restrained, except, of course, in the old numbers of "The London Journal," in which it first appeared.

The law, therefore, of copyright with respect to these publications is clear. The proprietor of an encyclopedia, review, magazine, or journal may, by registration, secure a general copyright in the work, which, upon payment of the contributor, attaches to each particular article. This right will enable him to maintain proceedings for piracy against a stranger. But, although he may be the owner of the copyright, he cannot, for a period of twenty-eight years, republish the article without the writer's consent; and at the end of that period the copyright reverts to the writer. Nor can the writer in the meantime invade the copyright of the proprietor by republication, unless he has secured the copyright to himself by express agreement.

Before quitting the subject of copyright in books, it may be observed that, under certain Acts of Parliament, the Crown claims a copyright in the following publications: Acts of Parliament, Orders of the Privy Council, State Proclamations, the Book of Common Prayer, and the authorized English translation of the Bible. The royal prerogative has also been asserted in Almanacks, in Reports of judicial proceedings in England, and in Lilly's Latin Grammar; but these rights have long been abandoned. In former days the Crown used to grant the right of printing almanacks; and James II conferred the right upon the Stationers' Company and the two Universities. At length, as Lord Eldon stated the matter, Carnan, an obstinate man, insisted upon printing them. An injunction was applied for, and the court directed an issue to the Common Pleas "whether the King had a right to grant the publication of almanacks," as not falling within the scope of expediency, which is the foundation of prerogative copies. The answer at length was that the charter was *void*, and that almanacks were not prerogative copies. And thus ceased a usurpation which had been going on for a century.

The monopoly of publication of the Bible and Prayer Book has long been vested in the Universities of Oxford and Cambridge; but it is not rigidly enforced. Not long ago the House of Commons came to a decision, by a casting vote, that it was inexpedient that the patent should be renewed; but this doubtful conclusion has not been acted upon, and the Crown has lately renewed the patent during pleasure.*

The reader may also be reminded that, by the copyright Act of 1842, a printed copy of every book is required, within one month *after publication*, to be left at the British Museum; and also a copy, within one month *after demand*, to be delivered to the officer of the Stationers' Company for each of the following libraries: the Bodleian, the Cambridge University Library, the Library of the Faculty of Advocates at Edinburgh, and the Library of Trinity College, Dublin.

So much for the copyright in books: we now pass to the right as it exists in musical and dramatic compositions. Music may be pirated in two ways; either by being *printed*, or by being *played*. The latter mode of representation may be classed with the performance of dramatic entertainments, with which it is closely allied. But, with regard to the former, the question has been raised as to what amounts to piracy by publication of a musical composition.

In 1834 Auber, the musician, composed the music of an opera called "Lestocq," and in the same year he assigned the copyright to two Englishmen, D'Almaine and another, music-sellers, who duly entered the book containing the

* See the excellent work of Mr. Phillips "On the Law of Copyright," p. 193.

whole opera at Stationers' Hall. They afterwards published the overture and the airs, and also some quadrilles arranged from the same. In 1835 they discovered that Boosey, another music-seller, had published several of the airs of "Lestocq," arranged as quadrilles and waltzes. They were described as taken from the opera, though arranged by Musard, a Frenchman. D'Almaine and Co. filed a bill for an injunction, and Lord Lyndhurst, C. B., gave an elaborate judgment. He said, "It is admitted that the defendant has published portions of the opera containing the melodious parts of it; that he has also published entire airs; and that in one of his waltzes he has introduced seventeen bars in succession, containing the whole of the original air, although he adds fifteen other bars which are not to be found in it. Now it is said that this is not a piracy: first, because the whole of each air has not been taken; and, secondly, because what the plaintiffs purchased was the entire opera; and the opera consists not merely of certain airs and melodies, but of the whole score. But, in the first place, piracy may be of part of an air as well as of the whole; and, in the second place, admitting that the opera consists of the whole score, yet if the plaintiffs were entitled to the whole, *à fortiori* they were entitled to publish the melodies which form a part. Again, it is said that the present publication is adapted for dancing only, and that some degree of art is needed for the purpose of so adapting it; and that but a small part of the merit belongs to the original composer. That is a nice question. It is a nice question what shall be deemed such a modification of an original work as shall absorb the merit of the original in the new modification. It will be said that one author may treat the same subject very differently from another who wrote before him. That observation is true in many cases. A man may write upon morals in a manner quite distinct from that of others who preceded him; but the subject of music is to be regarded upon very different principles. It is the air or melody which is the invention of the author, and which may in such case be the subject of piracy; and you commit a piracy if, by taking not a single bar, but severally you incorporate in the new work that in which the whole meritorious part of the invention consists. I remember, in a case of copyright *at nisi prius*, a question arising as to how many bars were necessary for the constitution of a subject or phrase. Sir George Smart, who was a witness in the case, said that a mere bar did not constitute a phrase, though three or four bars might do so. Now it appears to me that if you take from the composition of an author all those bars consecutively which form the entire air or melody, without any material alteration, it is a piracy; though, on the other hand, you might take them in a different order, or broken by the intersection of others, like words, in such a manner as should not be a piracy. It must depend on whether the air taken is substantially the same with the original. Now the most unlettered in music can distinguish one song from another, and the mere adaptation of the air, either by changing it to a dance or by transferring it from one instrument to another, does not, even to common apprehensions, alter the original subject. The ear tells you that it is the same. The original air requires the aid of genius for its construction, but a mere mechanic in music can make the adaptation or accompaniment. Substantially, the piracy is where the appropriated music, though adapted to a different purpose from that of the original, may still be recognised by the ear. The adding variations makes no difference in the principle."

When copyright comes to be applied to *representations*, whether of a dramatic scene or of a musical composition, it takes a different form altogether. We have no longer to

deal with printed matter and publication: the question is now as to acting, playing, singing, or performing. On the 21st April, 1821, John Murray for the first time published Lord Byron's tragedy called "Marino Faliero." He was also the assignee of the copyright of that poem. On the 24th of April, three days later, Elliston, the manager of Drury Lane Theatre, advertised a representation of the tragedy on the stage, with certain curtailments. Murray filed a bill to restrain the performance, which on the 25th of April was granted; but on the evening of the same day Elliston brought out the tragedy, altered and abridged, and the question was whether he was liable to an action for having done so. Lord Chancellor Eldon sent the case for the opinion of the Court of Queen's Bench, and the answer was returned (without reasons assigned) that an action could not be maintained.

The consequence of this decision was that in 1833 an Act was passed, commonly called Sir Bulwer Lytton's Act, whereby it is established that the author of any *tragedy, comedy, play, opera, farce, or any other dramatic piece or entertainment*, shall have, as his own property, the sole liberty of representing the same, or causing it to be represented, at any place of dramatic entertainment, for the period of twenty-eight years from the date of publication; and penalties were inflicted on those who gave representations without such consent.

Then came the Copyright Act of 1842, extending to *musical compositions* the last-mentioned provisions as to *dramatic pieces*, and further enacting that no assignment of the copyright of any *book* containing a dramatic piece or musical composition is to give to the assignee the right of *representing or performing* such dramatic piece or musical composition, unless an entry be made in the registry of the assignment, wherein (*i.e.*, in the assignment) shall be expressed the intention of the parties that such right should pass by assignment.

Upon these two statutes the whole law of the subject depends. The right of *publishing* a tragedy or an opera by printing copies of it is one thing; the right of *representing* it on the stage is another. The right of *representation*, which in these cases is generally that which is the all-important of the two, belongs to the author or to the person to whom it may have been assigned; and, in order to be an "author" within the meaning of the Act, it appears that you must not only have suggested the idea, but have taken some share in carrying out the design or execution of the work.

In an instance, however, when Mr. Charles Kean was the designer of an adaptation of a play of Shakespeare, "Much Ado about Nothing," and had employed a Mr. Hatton to write a musical composition by way of an accessory to the performance, it was agreed by the judges that Mr. Kean was the owner of the right of representation of the music, and was entitled to represent it without Mr. Hatton's consent.

It has been observed, that if you assign a play or an opera to A. B., you do not necessarily give him also the right of representing it, unless the assignment expressing your intention of conferring such right is registered. But if you expressly assign to A. B. the right of representation, there is no need to have the assignment registered. This has been recently decided more than once. The assignment, however, must be in writing, and the author's consent must be in the handwriting either of himself or of some agent.

One of the most important of the recent cases connected with this branch of the subject was the action which was brought in 1861 by Mr. Reade, the novelist, against Mr. Conquest, for dramatizing his tale of "Never too Late to Mend," and causing it to be acted at the

Grecian Theatre. On Mr. Reade's behalf it was contended, first, that his *literary copyright* under the statute had been infringed by the act of the defendant; and, secondly and principally, that the author of a dramatic composition had at common law a right, as regarded its representation, *analogous to that of copyright*, although the composition might not actually be in a form adapted to the stage; and that of this right the defendant's proceedings had been an infringement. But the Court of Common Pleas overruled both contentions. The first was plainly not very easily maintainable; and as to the second, they came to the conclusion that copyright or protection to works of literature, after publication, exists only by statute. Hence it follows that there is nothing to prevent any manager or dramatic author from dramatizing the incidents of any novel by adapting it for public representation on the stage.

Finally, with regard both to literary as well as to dramatic and musical copyright, it is now finally settled, after a discussion in the courts of law of great length, in which a vast amount of learning and ingenuity was displayed, that if a *foreigner* seeks to obtain the benefits which by the Copyright Acts are bestowed upon an author, he *must*, at the date of the first publication of his work, be a *resident* in this country. Publication by an agent in this country is not sufficient: the person who claims the protection of our laws in this matter must be one who owes allegiance, at least temporary, to the sovereign of this country.

JOHN LEECH.

THE approaching return of the Christmas season reminds us of one to whom we, in common with the majority of the reading public, were for some score of years indebted for no insignificant portion of the harmless merriment which most of us indulge in more or less when Christmas comes round. The books and broadsheets which at this time the press puts forth to kindle our benevolence and awaken our gratitude, while stirring us to cheerfulness and smiles, were many of them until recently illustrated by the skilful and genial pencil of John Leech. Year after year we welcomed them with a fresh feeling of pleasure, knowing always most assuredly that we could circulate them round the fireside with no worse result than that of general gratification and innocent, albeit at times rather clamorous, because irrepressible, mirth. But now Christmas brings us no new greeting from the hand that has so often touched our sympathies and helped our mirth: that cunning hand has forgotten its cunning, and the observant eye which noticed everything is closed for ever. The artist of the people, whom the people loved, has passed away, and lives now but in the works he has left behind him. It will not be out of place if at this season, when he was wont to meet us with special provocatives to cheerfulness, we devote a few paragraphs to his memory—to a short survey of his career, and to some consideration of his peculiar powers as an artist.

The events of Mr. Leech's life, so far as they are the property of the public, may be summed up very briefly. He was born in London, on the Surrey side of the river, on the 29th of August, 1817. He was educated at the Charterhouse School, where for a time he was the schoolfellow of Thackeray, than whom he was five or six years younger. On leaving school he was apprenticed to a medical practitioner, having chosen the profession of his own free will. He appears to have studied medicine with some success; but the position in which he

found himself under his guide and instructor was most unfortunate, and the worst that could have been chosen for an earnest student. His master cared nothing for his own profession or his personal respectability: what he did care for were rough gymnastic feats, athletic exercises, and exploits of muscular strength. For the sake of these he neglected his pupil, and his patients, and every serious obligation; and he ended at last by marrying a publican's widow, and taking part as a tapster at the public-house bar. Leech's indentures were transferred to another master, under whom he had a better chance of acquiring professional knowledge; but by this time he had made, or was making, the discovery which every man gifted as he was makes at some time or other—that art was his destined profession, and that he would be able to devote his whole mind and energies to art only. At what time he threw up his medical studies does not appear; but it must have been at a very early age, for he published his first work in 1835, when he was but eighteen; and about the same time we find him contributing illustrations to a popular newspaper, his connection with which extended over several years. His earliest subjects were drawn from London streets, and comprised social scenes and characters striking from their grotesque humour and oddity of situation or appearance. For some years he had to encounter up-hill work, labouring hard for small pay; but his innate genius asserted itself as the years went on. He drew better and he observed better as he grew older, and into all his pictures, however ill or well paid, he put careful and conscientious work. Those who were judges gave him the praise that was his due, and looked forward to his coming reputation.

In 1841 was published the first number of "Punch," and Mr. Leech's connection with that well-known journal dates almost from its first appearance. His first picture occupied a full page on the 7th of August; and a remarkable picture it was, full, if not of humour, of humorous appreciation and of harmless satire, and mingling truth of representation with the element of caricature in a way which, at that time at least, was peculiar to him alone. His connection with the new journal was not immediately established, but ere a year had elapsed he had become the leading artist on the staff, and from that time continued to embellish its pages with the products of his facile pencil and inexhaustible imagination.

We know nothing of Mr. Leech's private life beyond what has been stated in the few brief memorials of him which have appeared. A thorough gentleman by nature, he was generous, affable, hospitable, and kind; warmly beloved by his numerous circle of friends, and the idol of his own family and household. This is the testimony borne by those who knew him best; and they do not omit to add that he was liberal and self-denying for the sake of others—often, indeed, for the sake of those whose claims upon him had but slight foundation. We can well believe this to have been the character of the man, looking to the kindly spirit that pervades the mass of his works. During the last few years of his life John Leech endured much bodily suffering, which he sometimes sought to alleviate by travel and change of scene. He was subject to nervous irritation, which made him one of the numberless victims to the noisy nuisances which make London, during what ought to be the still hours of the night, a purgatory to the afflicted, and which shorten many lives. He worked on, however, through all his bodily pains and nervous agitations, and died suddenly, having taken to his bed but a few hours before, on Saturday, the 29th of October, 1864. On the

following Friday he was borne by his friends and fellow-workers to his grave in Kensal Green Cemetery, and laid by the side of his old schoolmate Thackeray.

Let us see whether we may succeed in pointing out some of the peculiar qualities of Leech as an artist; what it was that rendered his pictures so deservedly popular, which caused them to amuse and interest us so much, while at the same time they always impressed us with a joyous and grateful feeling towards the artist who was known to us only by his works. One cause of these invariable results is found in the fact that he gave to society, in all its various phases, and in all its ranks and conditions, its own history, reproduced in a way which was not merely amusing and instructive, but which, by some subtle touch of covert humour, satire, or friendly sarcasm, was in a manner confidential and mutual, as though we who were portrayed were parties to the exhibition thus made of ourselves. He passed over nothing, and he never exhausted anything, but, in a light and familiar way, depicted everything characteristic of the age in which he lived. The circles of the aristocracy—the fashionables of the West-end—the promenaders in Rotten Row—the genteel classes of all ranks, and their imitators of no rank—the snobs, the gents, the fast men—the sporting world—the turf—the commercial world—the middle class, and all the grades below them, down to the denizens of the gutter and the cellar—all were at his instant command, producible at his will, and starting into vitality and action under his touch.

We have heard persons compare Leech to Hogarth; but though there was a strong likeness between the two, there was perhaps a more strongly-marked unlikeness. If the same power of observation and ready facility of drawing characterized both, as well as the same universality in their grasp of human life and character, yet their individual habits of mind were widely different, as was evidenced by their different treatment of kindred subjects. Hogarth penetrated the outward shows of society, and gave us the reality often intensified and saddened by his own indignant feeling; and he composed his works into elaborated epics, exalting virtue to honour and reward, and heaping disgrace and perdition upon the head of vice. Leech had no such epic tendencies: he lived rather to deal in sprightly domestic lyrics, or in epigrams smart, pointed, and piquant. To a sense of humour as genuine as Hogarth's he added a brilliant wit, whose covert meaning often takes the spectator by surprise, as it reveals itself unexpectedly. Hogarth, from the very necessity of his time, dealt in extremes and moral contrasts, to which he gave a portentous significance. Leech dealt in moral contrasts too; but he touched such matters, as it were, tangentially; turning off to something more congenial to his nature, and mingling even with the saddest scenes he drew some redeeming trait of humanity or kindness: but he found most of the food of his mind, and the material of his art, in a field where Hogarth would hardly have deigned to seek it—in the broad field of every-day life, among common events and domestic doings. He gave us the "form and pressure of the time" under all the changes and vicissitudes that were constantly taking place: shooting folly as it flies, he was so rapid in his aim, and so sure of his mark, that the folly would often be transfixed by his unerring shaft before half the world had become aware of its egregious birth. In nothing, perhaps, was the contrast between Hogarth and Leech greater than in their personal temperaments. The great didactic painter of the last century was a stern, exacting moralist, driving and compelling his generation to do right through fear of the vengeance that should punish

wrong: the tendency of all Leech's didactic pictures, on the other hand, is to persuade and entice us to the love of what is kindly and good by the exhibition of the pleasure and happiness that wait on the good and kind, and also to deter us from vice and meanness by showing us the disgrace and contempt that surely await them. We do not see that there are any materials for further comparison.

John Leech seems to have been entirely his own teacher, and, bearing this in mind, his freedom of hand, his accuracy of delineation, and his comprehensive capacity for portraying every kind of subject are marvellous. We do not know when he first began to draw—whether, like Thackeray, he was in the habit of illustrating the blank leaves and title-pages of grammars and dictionaries at Charterhouse, or whether the pictorial instinct declared itself later. It is on record, however, that, while attending the medical lectures at Bartholomew's, he was in the habit of jotting down the heads and figures of his fellow-students; and it may be that about this time he first came to the resolution of adopting art as a profession. As we have already stated, he came before the public when he was eighteen, and it was not long after this period, 1835, that the pictures by him on a broad newspaper sheet now lying before us, but which has been long out of print, were done. On referring to these, almost his first works, we note that they have many of the characteristics of his best and latest ones, and it is difficult to realize the fact that some of them are the production of a lad under nineteen. The drawing has the freedom of an old hand. If they show a want of breadth, they betray no mark of indecision or feebleness; they have his noticeable lightness of touch, and there are very few points about them that have not their significance; and in the background there is the germ at least of that wonderful faculty which he afterwards perfected, of indicating objects by a few random and apparently accidental lines. They are, further, full of humour, of a rather broader kind, it is true, than he relished in his riper years, but never offending in the minutest degree against the nicest sense of propriety.

It used to be said of Thackeray—indeed, Thackeray has been heard to say it of himself—that he could never succeed in drawing a beautiful female face; and the dictum is well borne out by those works of the great fictionist which he illustrated with his own hand. It might be said with almost as much truth of Leech, that it was a difficult thing for him to draw a female face that was not beautiful. Certain it is that the female portraits of Leech—the young girls, the young mothers, of the upper classes, the wives and sweethearts of the middle and lower ranks—all, however differing in character, are sure to be after the best type of fair and beautiful womanhood: it is never the conventional classic face that he draws—and for that we may probably thank the absence in his training of a course of study from the antique—but it is the true genuine English face which we see every day, and whose lineaments have been impressed on our minds from infancy. We have often fancied that, even in the faces of his women which the exigencies of the story he was illustrating required to be repulsive or repellent, there were yet the traces of a by-gone comeliness which even vice and selfishness and ungoverned appetite had failed utterly to extinguish.

Everybody is loud in praise of Leech's representations of children; and doubtless they are, on the whole, the most captivating of all his productions. He loved them dearly, and evidently delighted in their pleasures, and gloried in their fun and frolics. He makes much more

frequent use of them than any other artist has done, introducing them continually in his pictures—not as mere accessories to the scene, but often teaching by their means lessons in morals or manners. His pencil is never more graceful, or his humour more refined, than when

simplicity, and their precocious assumptions of maturity; and everywhere they greet us with that naive beauty of form and unconscious grace of motion which make childhood so endearing.

The great number of Mr. Leech's works—and they



*Yours very truly
John Leech*

children are his subjects. From their babyhood upwards he handles them with affectionate pride, exhibiting them in all possible circumstances and situations—in their joys and sorrows, their triumphs and defeats. We have them running riot in their frolics, romping at home, and riding and racing abroad; they stuff and cram at the Christmas feast or at the confectioner's shop; and they have to take nasty physic from the doctor, and Mr. Leech tucks them into bed with a kiss and a word of comfort, and leaves them to sleep off their troubles. We see them asserting themselves in a hundred different ways, with their restless curiosity, their vanity and self-importance, their terrible candour and no less terrible

must amount to several thousands—is due in part to the simple method of working with only pencil or pen, which is inseparable from designs made for the press; but it is due in yet greater degree to his readiness and facility of execution. His pictures embrace every social subject which can come under observation, and they show an amount of proficiency in the designer's art rarely attained. Leech drew animals, the horse and the dog especially, as perfectly and as characteristically as he drew the human figure, and threw them off with the same ease and celerity. What is much more to his praise than even his consummate skill, is the purity of his pencil. Of course, as the delineator of life as it is,

he may have represented scenes which all may not approve, but this must be the case with every artist who "holds the mirror up to nature." Yet there are few popular artists of whom it can be said, as it may be said of him, that of all his works there are none which, in the interests of morality, it would be well to suppress. He owed his popularity mainly to his habit of working from the themes that surrounded him, and recording with his pencil the facts of the life he lived. It is to his honour that he read the facts of life as he did, and left such a record behind him. Let us remember the Gilrays, and Richardsons, and other artists in the same field who preceded him, and, as Mr. Thackeray has observed, we have not many years to go back before we come to the Satyrs and Bacchantes in all their frantic grossness. In this respect John Leech may well be called "the Addison of Art"—in his manliness without a touch of roughness, in his vigour without a grain of coarseness; above all, in the reverence which his pencil always paid to the honour of women and the innocence of children.

THE HISTORY OF THE SAHARA.

THE records of history afford few and indistinct glimpses of the changes and convulsions which have kept the Sahara in a state of chronic barbarism. The loss is not great; little interest and less profit can attach to the chronicles of tribes who, unimproved themselves, have never affected their neighbours save by some predatory inroads. Their submission to the Romans was never more than partial and temporary. The remains, consequently, of Roman occupation are very scanty, consisting chiefly of forts hastily thrown up during the pursuit of fugitive tribes. These are more evident in the eastern than in the western districts.

None are known in the (French) Algerian Sahara beyond Djelfa. But in the Eastern Sahara, among the plains of the Djidi, roamed over by the *Woled Naïl*, at the destroyed and desolate oasis of *Dousson* (query, anciently *Decenna*?), are traces of Roman walls. On the banks of the *Wed Djidi* near this spot are a line of ruins of gates, which seem to mark the extreme point of Roman occupation, since no trace of ruins which can be with any reason ascribed to them has yet been discovered further south.

As we travel northwards from this point, at *Volga*, in the *Ziban*, are the faint traces of a Roman fort. Nothing further occurs to arrest the antiquarian till in the north-east portion of the Sahara, between the *Wed Beitam* and the *Wed Barika*, are the traces of the ancient and extensive city of *Tubna*, of which nothing remains above ground beyond the pavement of the citadel.

Above *El Outain*, a day's journey north of *Biskra*, are found ruins which attest their importance by an inscription now preserved in the wall of the modern caravan-serai, proving the former existence of a theatre at this spot. The place was probably the *Messarfilis* of the itineraries, and derived its importance from the salt-quarries in the neighbourhood.

Above this, at the confluence of the *Wed Guebli* and the *Wed Lekhernin*, in the oasis of *El Kantara*, are a few Roman ruins.

In the gorge of *El Kantara* itself, the exact boundary-line of the Sahara, is the beautiful and well-preserved bridge of Roman construction, and on the left bank of the gorge among the rocks are the traces of a paved way, which in some places is still perfect.

The only other Roman remains which we met with are on the road from *Biskra* to *Zeribet el Wed*, at *Burdoun* in the *Zab Chergui*, at *Setif Zama*, and again at the village of *Thouda*.

The Romans appear to have had very little idea of the distinct races of the Sahara, but at first comprised the northern, or Numidians proper, with the southern and central, or Gætuli, under the common appellation of Numidians (*νομιδες*), which they subsequently confined to the tributaries of Carthage. Both these names were unknown to the natives themselves. It is curious to remark the very different traditions related by *Sallust*, of the country having been settled from Spain, and the later one of *Leo Africanus*, that the wandering tribes derived their origin from the fertile coast region of Tunis.

The first distinct mention of the Saharan tribes occurs in the reign of *Valentinian*, A.D. 373; when the oppressed provincials rose under *Firmus* against the tyranny of *Count Romanus*. The unfortunate *Theodosius*, after landing at *Gigeli* with a small force, penetrated the *Atlas*, and completely routed *Firmus*, who fled to the Sahara, and was received by *Igmazen*, King of the *Isaflenses*. Although *Ammianus Marcellus* tells us that *Firmus* fled as far as the land of dates and the borders of the deserts, we cannot place the *Isaflenses* south of *Djelfa*; and as far as the indistinct record of *Ammian* can be understood, *Igmazen* ruled over the country from *Medeah* to *Laghout*, residing somewhere in the *Djebel Sahari*. So completely had the imperial authority been lost beyond the *Atlas*, that we are told the savage inhabitants had forgotten the very name of Roman. *Igmazen*, repeatedly defeated by *Theodosius*, at length consented to deliver up his guest, who, however, anticipated the vengeance of his conquerors by strangling himself in the night. His dead body was surrendered by *Igmazen*, and *Theodosius* returned in triumph to *Setif*. It was probably during this campaign that the fortified camps near *Djelfa* were thrown up. (*Ammian*, xxix. 5; *Gibbon*, ch. xxv.)

We have no proof that Christianity, however successful in the north, was ever accepted by the Gætulians of the south, for the *Beni M'zab*, who confess to having embraced the gospel, were at that time inhabitants of the Tell. On the contrary, *Procopius* (vol. i. p. 334, ed. Bonn) tells us they readily united with *Genseric* in his attacks upon their Christian suzerains, A.D. 429, and committed atrocities which rivalled those of their barbarian allies. But with the usual fickleness of such tribes, they soon became dissatisfied with the Vandals, and rendered considerable assistance to their old enemies the *Mauri*, in recovering part of the conquests of *Genseric* from *Thrasamund*, his second successor.

Belisarius, in his most successful expedition, never penetrated beyond the Tell; and *Numidia* and *Gætulia* disappear from history, until the Arabs under *Akbah* or *Okbah ben Nafi*, lieutenant of the *Khalif Moawiyah*, after the conquest of Egypt, advanced to the westward by a hitherto untrodden route. By the aid of their camels, now first introduced into Africa, they penetrated behind the colonies of *Cyrenaica* and *Tripoli*, and, emerging to the south of Tunis, in A.D. 665 took possession of *Gætulia* before they thence established themselves on the littoral. *Okbah*, whose name is still consecrated by many a marabout or cenotaph erected on the spots where he halted in the Sahara, performed a feat never since achieved, and traversed the country until he caught sight of the Atlantic. (*Gibbon*, ch. li.) After the defeat and death of *Okbah* the tide of Arab invasion fell back for a time. The triumphs of the

Berber queen, Cahina, were but of short duration; and Hassan, the governor of Egypt, and his successor Musa, more permanently established the supremacy of the Khalifs in the Sahara as well as on the Atlas.

For several centuries we hear nothing more of the country, till, during the Saracen dissensions in Spain, the Berber chief Youssef ben Tachfin, in A.D. 1026, consolidated an independent power in Gætulia. His tribe, the Zenaga, though they professed the Moslem faith, were, in the opinion even of their rude neighbours, barbarous and uncivilized. They were enlightened by the zeal of their apostle, Abdallah ben Yussu, who named them, from their religious ardour, El Merabith.

By the aid of their fanaticism Abdallah established a Berber empire throughout the whole south, under his dynasty, known afterwards by the name of the Almohades. From this epoch the lengthy native chronicles, many of which have recently been translated or epitomized by the French Orientalists, furnish a weary record of intestine dissensions until the time of Barbarossa, A.D. 1500.

After that period the western tribes, including those between Laghouat and Waregla, vacillated in their allegiance between Algiers and Morocco, both of whom made occasional incursions into the interior. The northern tribes acknowledged the Bey of Tittery, while the eastern and most populous portion paid a fitful tribute to the Bey of Constantine, when he seemed strong enough to be able to exact it; and the Djereed or Tunisian Sahara yielded a steady obedience to the less capricious sway of the Beys of Tunis. In 1844 the French first visited the western Sahara, when Laghouat submitted to an impost of 30,000 francs.

In 1852, the tribes having reasserted their independence, Generals Pelissier and Yusuf advanced with two columns to Laghouat, when for the first time the Arabs used cannon transported inland from Morocco, and the storming of their citadel was marked by the loss of General Bouscaren, who fell in action.

The north of the Eastern Sahara had been crushed in 1849 by General Herbillon, and by Canrobert in 1850. In 1853 the southern Sahara of Oran submitted after the defeat of the Marocains. In 1854 the Beni M'zab voluntarily entered into an alliance of defence on payment of a small tribute. This example was followed in the succeeding year by Waregla, now isolated from Morocco. In 1855 General Desvaux by a rapid reconnaissance obtained the submission of the Wed R'hir, and especially of Tuggurt, which was soon followed by the acknowledgment of French suzerainty on the part of the dependent oases of Souf.

Thus a population of about 750,000 has been reduced under the Imperial dominion; but the natural obstacles, and the nomad habits of the Touareg, would seem to preclude the hope or the fear of any further extension of French conquests to the still independent regions of the south.*

A HUNDRED YEARS AGO.

AMONG the years of the eighteenth century the year 1765 was by no means a remarkable one, but, looking at it as the measuring point from which the world has now advanced exactly a hundred years, we shall find it an interesting task to inquire into the state of society, and the various groups of actors who performed their parts in the days of our great-grandfathers; to do so

fully might occupy volumes, but even a slight and imperfect sketch may suggest many thoughts.

It is not our design to look upon 1765 merely as a time when there were no steamers, railways, telegraphs, photographs, Armstrong guns, penny postage, and a thousand other inventions; modern science is only too ready to boast of all that it has done to improve the world. Let us look at what they had, as well as at what they had not, a hundred years ago. Glancing, in the first place, at the political aspect of England, we find that in 1765 George III was in the fifth year of his reign and the twenty-eighth of his age. Two subjects agitated Parliament, and finally overthrew the Grenville ministry, which was succeeded by that of Lord Rockingham: the one, now long forgotten, was the question of the Regency; the other—not at that time thought more important—was the attempted introduction of the Stamp Act into the American colonies, the small end of a wedge the effects of which America is to this day experiencing for good or for evil. The great Chatham, then William Pitt, detected the danger, "the little rift within the lute." He rose from a sick bed to make his powerful voice heard for the last time as a commoner in favour of repealing the hated tax; and it was remarked that on the same occasion the House for the first time heard the eloquent young Irishman, Edmund Burke. One small circumstance is mentioned casually this year with regard to America, which has a curious interest in our own day—it is the notice of an order by his Majesty's government to divide the colonies into a northern and a southern district, the boundary to be the river Potomac, and a line drawn westward from it. The king lost an able supporter this year in his uncle the Duke of Cumberland, who seems to have been as much loved and lamented in England as he was hated, from the remembrance of Culloden, in Scotland. How different is the union of feeling now between the countries!

In 1765 there were no wars and no conquests by England, except the steady, onward march of the Honourable Company in India, which advanced in this season the length of Allahabad and Benares. Clive was then on his six months' voyage out to Calcutta, rich in the laurels already won; Hastings was not yet renowned.

A small acquisition was made very near our own shores; for in 1765 the Isle of Man was purchased for the Crown from its king, the Duke of Athol, and great efforts were made to educate the natives, by printing books in the Manx language, then spoken by about twenty thousand of them, now almost obsolete. We wonder if Gaelic and Irish will be as little known a century hence?

A brilliant host of literati were at this time gathered in London round their autocrat, Johnson. Among these the names of Goldsmith, Burke, Boswell, and the great artist Reynolds, are still well known, while those of many other members of "the club," equally or even more highly rated at that day, are utterly forgotten now. Gibbon was not then known either as an historian or an assailant of Christianity; Hume, however, had launched his first attacks, and found but too many admirers in a time when faith was dim and love was cold in England. Still we may be thankful to this day that our country possessed such a man at the head of literature as the truly wise and pious Johnson, instead of a wicked wit like Voltaire, whose evil genius was "sowing the wind to reap the whirlwind" at a future time in infidel France.

We can only name a few of the other distinguished men then alive and known as authors in England.

* "The Great Sahara." By H. B. Tristram, M.A. London: John Murray.

There was Gray of "The Elegy;" Young of "Night Thoughts," who died in 1765; Akenside, Lyttelton, and Langhorne; Hannah More, whose sacred dramas were at that time greatly admired; Adam Smith, Robertson, and Beattie in Scotland; Churchill, once extremely popular, but now very little read or valued; the polished Chesterfield, Sterne, Garrick, Horace Walpole, Chatterton, and Ossian M'Pherson. But of all the minds of that day, the very noblest perhaps was then shrouded in dark eclipse; and little did his fashionable relations think that the time would come when not one of them would be remembered except as having been connected with the crazed and wayward man in Dr. Cotton's private asylum at St. Alban's, afterwards to be known for ever in English literature as the author of the "Task"—William Cowper.

Let us now take a glance at certain nurseries in England watched over by tender mothers; there was one at Hayes, where a pale and precocious little boy of six years old amazed his father with his wise words, and was destined to eclipse even that father's fame as the second and greatest William Pitt! Another little "Billy" of six years old was growing up at Hull, to be the deliverer of thousands yet unborn, William Wilberforce. A gallant boy of seven was playing in the garden of the pretty rural parsonage of Burnham Thorpe in Norfolk, England's future hero, the great Nelson; and far away in Scotland, by a lowly cottage door at Alloway in Ayrshire, a merry bright-eyed six years old herd boy was running wild with his barefooted brothers and sisters, who was hereafter to make the name of Robert Burns the delight of his native country. Who can say what children of promise the nurseries and careful mothers of 1865 may be rearing for the world? We find in this thought a new application of the solemn words, "Take heed that ye despise not one of these little ones."

Turning to a very different side of the picture, we find that there was yet another world of life in 1765 as there is in 1865, of which the philosophic, literary, and political world knew nothing; and if we are to judge of it by the records of punishment in those days, it will appear black indeed. Even if we take into account the severity of the laws as a reason for the number of capital punishments, there remains enough in the records of bold crime to show that it was rampant a hundred years ago. Highwaymen by land and wreckers on shore made travelling dangerous; "kidnappers" and "crimps" exercised in English and Scotch seaports the same iniquities which men-stealers practised on the African coast; smuggling was prevalent, and led to much iniquity; while the profligate example of too many in the higher ranks of life was copied in a coarser form by those below them. Many trustworthy accounts show that there was a fearful amount of heathen ignorance among the poor, especially in rural districts, while the clergy were for the greater part cold and indifferent. The Church had lost her "first love," and no longer preached the doctrine of the Cross as the remedy for the ruin of the Fall with the zeal of earlier days; she sought to reform men's manners, but the evil had a deeper root, and it was well discerned by such a man of God as Venn, who says in one of his letters, dated 1760,—"The crying abomination of our age is contempt of Christ. In proof of this you may hear sermons and religious books much extolled, where there is not so much as any mention of the Prince of Peace, in whom God was manifest to reconcile the world unto himself."

To remedy such a state God, in his mercy to our country, raised up a number of men who counted it their

highest honour and their noblest work to win souls from the kingdom of Satan into the glorious kingdom of Christ. In our own day we may thank God that such has been the progress of truth, that it is not possible for us to count or name those who labour in his service, preaching faithfully the doctrine of salvation through the atonement of Christ alone. At that time each man who thus preached was a marked man—marked on earth, but "written in heaven" also, where those who turn many to righteousness shall shine as the stars for ever and ever.

Whitfield and Wesley are, perhaps, the most distinguished among these, both for the wonderful effects of their eloquence in arousing the masses to care for their own souls, and for the amount of opposition and obloquy which they incurred. In the Church of England the same great truths were faithfully preached by Newton, Henry Venn, Berridge, Hervey, Fletcher, Walker, and others; while Charles Wesley and Toplady gave us a rich treasure of hymns more prized now than ever. These men "rest from their labours, and their works do follow them;" they are now in a state where they know full well that their hopes were not vain, nor their earnest labours in saving souls a mere empty pursuit. The world knew them not—but the world makes many mistakes; even in her own matters the story of a hundred years shows us how often she has mistaken the great for the small, the temporary for the enduring. But the greatest mistake of all is one into which the world in her wisdom falls as readily now as ever she did—that of despising, forgetting, ignoring a great eternity! My dear reader, if you have hitherto done so, let me ask you to think how it will be with you when you look back in 1965 from a state for ever fixed upon all that interests you now, and say, "I might have sought and found a Saviour a hundred years ago!"

THE MATTERHORN.

In "The Leisure Hour" of 1863 Mr. Whympster gave an account of previous attempts to scale the Matterhorn. In order to complete our record, we quote Mr. Whympster's letter to "The Times," describing the first successful ascent, under the mournful circumstances which attracted so much public notice:—

On Wednesday morning, the 12th July, Lord Francis Douglas and myself crossed the Col Theodule to seek guides at Zermatt. After quitting the snow on the northern side we rounded the foot of the glacier, crossed the Furgge glacier, and left my tent, ropes, and other matters in the little chapel at the Lac Noir. We then descended to Zermatt, engaged Peter Taugwalder, and gave him permission to choose another guide. In the course of the evening the Rev. Charles Hudson came into our hotel with a friend, Mr. Hadow, and they, in answer to some inquiries, announced their intention of starting to attack the Matterhorn on the following morning. Lord Francis Douglas agreed with me it was undesirable that two independent parties should be on the mountain at the same time with the same object. Mr. Hudson was therefore invited to join us, and he accepted our proposal. Before admitting Mr. Hadow, I took the precaution to inquire what he had done in the Alps, and, as well as I remember, Mr. Hudson's reply was, "Mr. Hadow has done Mont Blanc in less time than most men." He then mentioned several other excursions that were unknown to me, and added, in answer to a further question, "I consider he is a sufficiently good man to go with us." This was an

excellent certificate given us, as it was by a first-rate mountaineer, and Mr. Hadow was admitted without any further question. We then went into the matter of guides. Michael Croz was with Messrs. Hadow and Hudson, and the latter thought if Peter Taugwalder went as well that there would not be occasion for any one else. The question was referred to the men themselves, and they made no objection.

We left Zermatt at 5:35 on Thursday morning, taking the two young Taugwalders as porters, by the desire of their father. They carried provisions amply sufficient for the whole party for three days, in case the ascent should prove more difficult than we anticipated. No rope was taken from Zermatt, because there was already more than enough in the chapel at Lac Noir. It has been repeatedly asked, "Why was not the wire rope taken which Mr. Hudson brought to Zermatt?" I do not know; it was not mentioned by Mr. Hudson, and at that time I had not even seen it. My rope alone was used during the expedition, and there was—first, about 200 feet of Alpine Club rope; second, about 150 feet of a kind I believe to be stronger than the first; third, more than 200 feet of a lighter and weaker rope than the first, of a kind used by myself until the Club rope was produced.

It was our intention on leaving Zermatt to attack the mountain seriously—not, as it has been frequently stated, to explore or examine it—and we were provided with everything that long experience has shown to be necessary for the most difficult mountains. On the first day, however, we did not intend to ascend to any great height, but to stop when we found a good position for placing the tent. We mounted accordingly very leisurely, left the Lac Noir at 8:20, and passed along the ridge connecting the Hörnli with the actual peak, at the foot of which we arrived at 11:20, having frequently halted on the way. We then quitted the ridge, went to the left, and ascended by the north-eastern face of the mountain. Before 12 o'clock we had found a good position for the tent, at a height of 11,000 feet; but Croz and the elder of Taugwalder's sons went on to look what was above, in order to save time on the following morning. The remainder constructed the platform on which the tent was to be placed, and by the time this was finished the two men returned, reported joyfully that as far as they had gone they had seen nothing but that which was good, and asserted positively that had we gone on with them on that day we could have ascended the mountain, and have returned to the tent with facility. We passed the remaining hours of daylight—some basking in the sunshine, some sketching or collecting, and, when the sun went down, giving, as it departed, a glorious promise for the morrow, we returned to the tent to arrange for the night. Hudson made tea, myself coffee, and we then retired each one to his blanket bag; the Taugwalders, Lord Francis Douglas, and myself occupying the tent, the others remaining, by preference, outside. But long after dusk the cliffs above echoed with our laughter and with the songs of the guides, for we were happy that night in camp, and did not dream of calamity.

We were astir long before daybreak on the morning of the 14th, and started directly it was possible to move, leaving the youngest of Taugwalder's sons behind. At 6:20 we had attained a height of 12,800 feet, and halted for half an hour, then continued the ascent without a break until 9:55, when we stopped for fifty minutes, at a height probably of about 14,000 feet. Thus far we had ascended by the north-eastern face of the mountain, and had not met with a single difficulty. For the greater

part of the way there was, indeed, no occasion for the rope, and sometimes Hudson led, sometimes myself. We had now arrived at the foot of that part which from Zermatt seems perpendicular or overhanging, and we could no longer continue on the same side. By common consent, therefore, we ascended for some distance by the *arête*—that is, by the ridge descending towards Zermatt—and then turned over to the right, or to the north-western face. Before doing so, we made a change in the order of ascent: Croz now went first, I followed, Hudson came third; Hadow and old Taugwalder were last. The change was made because the work became difficult for a time and required caution. In some places there was but little to hold, and it was therefore desirable those should be in front who were least likely to slip. The general slope of the mountain at this part was less than 40°, and snow had consequently accumulated and filled up the irregularities of the rock face, leaving only occasional fragments projecting here and there. These were at times coated with a thin glaze of ice, from the snow above having melted and frozen again during the night. Still it was a place over which any fair mountaineer might pass in safety. We found, however, that Mr. Hadow was not accustomed to this kind of work, and required continual assistance; but no one suggested that he should stop, and he was taken to the top. It is only fair to say that the difficulty experienced by Mr. Hadow at this part arose, not from fatigue or lack of courage, but simply and entirely from want of experience. Mr. Hudson, who followed me, passed over this part, and, as far as I know, ascended the entire mountain without having the slightest assistance rendered to him on any occasion. Sometimes, after I had taken a hand from Croz or received a pull, I turned to give the same to Hudson, but he invariably declined, saying it was not necessary. This solitary difficult part was of no great extent, certainly not more than 300 feet high, and after it was passed the angles became less and less as we approached the summit; at last the slope was so moderate that Croz and myself detached ourselves from the others, and ran on to the top. We arrived there at 1:40 p.m., the others about ten minutes after us.

I have been requested to describe particularly the state of the party on the summit. No one showed any signs of fatigue, neither did I hear anything to lead me to suppose that any one was at all tired. I remember Croz laughing at me when I asked him the question. We had, indeed, been moving less than ten hours, and during that time had halted for nearly two. The only remark which I heard suggestive of danger was made by Croz, but it was quite casual, and probably meant nothing. He said, after I had remarked that we had come up very slowly, "Yes; I would rather go down with you and another guide alone than with those who are going." As to ourselves, we were arranging what we should do that night on our return to Zermatt.

We remained on the summit for one hour, and during the time Hudson and I consulted, as we had done all the day, as to the best and safest arrangement of the party. We agreed that it would be best for Croz to go first, as he was the most powerful, and Hadow second; Hudson, who was equal to a guide in sureness of foot, wished to be third; Lord F. Douglas was placed next, and old Taugwalder, the strongest of the remainder, behind him. I suggested to Hudson that we should attach a rope to the rocks on our arrival at the difficult bit, and hold it as we descended, as an additional protection. He approved the idea, but it was not definitely settled that it should be done. The party was being arranged in the above order while I was

making a sketch of the summit, and they were waiting for me to be tied in my place, when some one remembered that we had not left our names in a bottle; they requested me to write them, and moved off while it was being done. A few minutes afterwards I tied myself to young Taugwalder and followed, catching them just as they were commencing the descent of the difficult part described above. The greatest care was being taken. Only one man was moving at a time; when he was firmly planted the next advanced, and so on. The average distance between each was probably twenty feet. They had not, however, attached the additional rope to rocks, and nothing was said about it. The suggestion was made entirely on account of Mr. Hadow, and I am not sure it even occurred to me again.

I was, as I have explained, detached from the others, and following them; but after about a quarter of an hour Lord F. Douglas asked me to tie on to old Taugwalder, as he feared, he said, that if there was a slip Taugwalder would not be able to hold him. This was done hardly ten minutes before the accident, and undoubtedly saved Taugwalder's life.

As far as I know, at the moment of the accident, no one was actually moving. I cannot speak with certainty, neither can the Taugwalders, because the two leading men were partially hidden from our sight by an intervening mass of rock. Poor Croz had laid aside his axe, and, in order to give Mr. Hadow greater security, was absolutely taking hold of his legs and putting his feet, one by one, into their proper positions. From the movements of their shoulders it is my belief that Croz, having done as I have said, was in the act of turning round to go down a step or two himself; at this moment Mr. Hadow slipped, fell on him, and knocked him over. I heard one startled exclamation from Croz, then saw him and Mr. Hadow flying downwards; in another moment Hudson was dragged from his steps and Lord F. Douglas immediately after him. All this was the work of a moment; but immediately we heard Croz's exclamation Taugwalder and myself planted ourselves as firmly as the rocks would permit; *the rope was tight between us, and the shock came on us both as on one man.* We held; but the rope broke mid-way between Taugwalder and Lord F. Douglas. For two or three seconds we saw our unfortunate companions sliding downwards on their backs, and spreading out their hands endeavouring to save themselves; they then disappeared one by one, and fell from precipice to precipice on to the Matterhorn glacier below, a distance of nearly four thousand feet in height. From the moment the rope broke it was impossible to help them.

For the space of half an hour we remained on the spot without moving a single step. The two men, paralysed by terror, cried like infants, and trembled in such a manner as to threaten us with the fate of the others. Immediately we had ascended to a safe place I asked for the rope that had broken, and to my surprise—indeed, to my horror—found that it was the weakest of the three ropes. As the first five men had been tied while I was sketching, I had not noticed the rope they employed; and now I could only conclude that they had seen fit to use this in preference to the others. It has been stated that the rope broke in consequence of its fraying over a rock; this is not the case, it broke in mid-air, and the end does not show any trace of previous injury.

For more than two hours afterwards I thought every moment that the next would be my last; for the Taugwalders, utterly unnerved, were not only incapable of giving assistance, but were in such a state that a slip

might have been expected from one or the other at any moment. I do the younger man, moreover, no injustice, when I say that, immediately we got to the easy part of the descent, he was able to laugh, smoke, and eat as if nothing had happened. There is no occasion to say more of the descent. I looked frequently, but in vain, for traces of my unfortunate companions, and we were in consequence surprised by the night when still at a height of 13,000 ft. We arrived at Zermatt at 10-30 on Saturday morning.

Immediately on my arrival I sent to the President of the Commune and requested him to send as many men as possible to ascend heights whence the spot could be commanded where I knew the four must have fallen. A number went and returned after six hours, reporting they had seen them, but that they could not reach them that day. They proposed starting on Sunday evening, so as to reach the bodies at daybreak on Monday; but, unwilling to lose the slightest chance, the Rev. J. McCormick and myself resolved to start on Sunday morning. The guides of Zermatt, being threatened with excommunication if they did not attend the early mass, were unable to accompany us. To several, at least, I am sure this was a severe trial; for they assured me with tears that nothing but that which I have stated would have prevented them from going. The Rev. J. Robertson and Mr. J. Phillpotts, of Rugby, however, not only lent us their guide, Franz Andermatten, but also accompanied us themselves. Mr. Puller lent us the brothers Lochmatter; F. Payot and J. Tairraz, of Chamounix, also volunteered. We started with these at 2 a.m. on Sunday, and followed the route we had taken on Thursday morning until we had passed the Hörnli, when we went down to the right of the ridge and mounted through the seracs of the Matterhorn glacier. By 8-30 we had got on to the plateau at the top, and within sight of the corner in which we knew my companions must be. As we saw one weather-beaten man after another raise the telescope, turn deadly pale, and pass it on without a word to the next, we knew that all hope was gone. We approached; they had fallen below as they had fallen above—Croz a little in advance, Hadow near him, and Hudson some distance behind; but of Lord F. Douglas we could see nothing. To my astonishment I saw that all of the three had been tied with the Club, or with the second and equally strong rope, and consequently there was only one link—that between Taugwalder and Lord F. Douglas—in which the weaker rope had been used.

The letters of the Rev. J. McCormick have already informed you respecting the subsequent proceedings. The orders from the Government of the Valais to bring the bodies down were so positive that four days after the events I have just related twenty-one guides accomplished that sad task. The thanks of all Englishmen are due to these brave men, for it was a work of no little difficulty and of great danger. Of the body of Lord F. Douglas they, too, saw nothing; it is probably arrested in the rocks above. No one can mourn his loss more deeply or more sincerely than myself; for, although young, he was a most accomplished mountaineer, hardly ever required the slightest assistance, and did not make a single slip throughout the day. He had only a few days before we met made the ascent of the Gabelhorn, a summit far more difficult I believe to reach than the Matterhorn itself.

I was detained in Zermatt until the 22nd of July to await the inquiry instituted by the Government. I was examined first, and at the close I handed in to the court a number of questions which I desired should be put to

the elder Tangwälder; doing so because that which I had found out respecting the ropes was by no means satisfactory to me. The questions, I was told, were put and answered before I left Zermatt; but I was not allowed to be present at the inquiry, and the answers, although promised, have not yet reached me.

Such is the end of this sad story. A single slip, or a single false step, has been the sole cause of this frightful calamity, and has brought about misery never to be forgotten. I have only one observation to offer upon it. If the rope had not broken you would not have received this letter, for we could not possibly have held the four men, falling as they did—all at the same time, and with a severe jerk. But, at the same time, it is my belief no accident would have happened had the rope between those who fell been as tight, or nearly as tight, as it was between Tangwälder and myself. The rope, when used properly, is a great safeguard; but whether on rocks, or whether on snow or glacier, if two men approach each other so that the rope falls in a loop the whole party is involved in danger; for should one slip or fall he may acquire, before he is stopped, a momentum that may drag down one man after another and bring destruction on all; but, if the rope is tight, this is all but impossible.

At the Geological Section of the British Association at Birmingham, the secretary read a paper by Mr. Whymper "On the Structure of the Matterhorn."

The great peak of the Matterhorn as seen at a short distance appears as if separated into three divisions, of which the middle mass is the largest, and gray in colour, while the upper and lower sections are apparently of a dull red. On ascending the mountain these divisions are also clearly apparent, and the junctions of the sections are so marked that it is almost possible to see the lines of separation. The rocks of the upper and lower divisions are by no means uniformly red in colour, but are interspersed with others of a green and of an iron gray (mica slate and chlorite slate). The red rocks being much more positive in tone accounts for the uniform tint seen at a distance. The summit is a roughly level ridge of 350 or 400 feet in length. It is extremely precipitous on the south side, but on that which descends towards the glacier of Zmutt the inclination is moderate, and it can be traversed with great facility. There are several little jagged points on the ridge, and the highest of those is usually covered by a small cone of snow. The whole of the summit is covered with disintegrated fragments, and the living rock is not anywhere visible. It was observed by De Saussure "that the beds of the Matterhorn rise towards the north-east, at an angle of 45 deg." This is scarcely exact, although correct on the whole. They dip towards the south and west, but the inclination towards the west is three times greater than it is to the south. In consequence of these dips the plane surfaces of the beds present, it is evident, a surface sloping downwards on the western and southern sides of the mountain, the fractured edges overhanging; and it has been mainly from this cause that such difficulty has been experienced in all the attempts to ascend the mountain until this year. It was from observing this fact that I formed the resolution to attempt the ascent by the north-east face; for, although it appeared smooth and unbroken, yet I argued that the fractures would fall in exactly the reverse manner from that which I have described, and would render the ascent easy, even although the hold they might afford should be but small. The theory was correct, and the whole of the north-east face was found, in fact, to be a long staircase,

with the steps shelving inwards. It is also in consequence of these dips that stones do not fall to any extent on the north-east face; it is evident that if any disintegrated fragment does break away, it must sooner or later be arrested on the ledges, and, indeed, I did not see any fall during the two days which I passed on the mountain. On the other sides, on the contrary, the Matterhorn rains down showers—nay, torrents and avalanches of stones both by day and night. Thus these dips become on one side a source of safety, but on all others of great danger. We are able by the knowledge of these facts to account for the enormous moraine of the Zmutt glacier, which has attracted the attention and the curiosity of all observers; for Zmutt and its tributary, the Tiefenmatten, sweep round the two faces of the Matterhorn, on which we should expect the greatest masses of rock would fall. We find, moreover, that the Furgge glacier, which is below the north-east face, has scarcely any moraine. The consideration of these facts also suggests, naturally, that we see nearly the primal form of the Matterhorn on its north-east side, but that great changes have taken place on the others; we are sure, indeed, of this, for we see the fallen fragments below. We can go a step further. The fallen masses are chiefly of the red rocks. They must have either come from the upper or the lower of the three divisions. On the sides of the Zmutt and the Tiefenmatten glaciers, however, the lowest division is almost entirely covered by snow and glacier. We are forced, therefore, to the conclusion that they came from the upper; and it is doing no violence to the imagination to suppose that at some early period the now isolated obelisk of the Matterhorn was only the termination and the culminating point of the range of which the Dent d'Eri and the mountains to the south of it formed also part.

ZOOLOGICAL NOTES.

BY J. K. LORD, F.Z.S.

THE BARN-SWALLOWS AND THE BLACKSMITHS.

THE American barn-swallow (*Hirundo rufa*), so abundantly distributed throughout the United States, is by no means plentiful on the west side of the Rocky Mountains. Whilst we were occupied in marking the boundary-line dividing American from British territory, we established a depot at Syniakwaten (meaning in Indian a crossing), situated on the Pend-Orielle river. The river winds through a lovely valley, a very Eden for all the summer immigrants; the varied trees, shrubs, and underbrush offering every facility as nesting-places. Here it was that a solitary pair of barn-swallows paid us a visit.

A small shanty stood a short distance from the log huts loosely built with poles, and shingled over to keep out the rain, in which our two blacksmiths were always at work. Early on a summer morning, towards the end of June, my attention was directed to two barn-swallows perched on the roof of the little shed. They did not exhibit the slightest fear or alarm, although the bellows snorted and wheezed, and sent myriads of brilliant sparks from the crackling charcoal dancing into the air; whilst the hammer, plied by a lusty arm, rang a merry peal as it smote the ruddy iron. Presently off they flew, and circling round, entered the house, and carefully examined the poles supporting the roof. Perching on them every here and there, they felt the surface with their beaks, then twittered in the most excited manner to each other. This system of selecting a site was repeated several times, until the question was evidently settled and decided upon.

The following day the foundation-stone was laid, a tiny bit of mud being affixed to the beam just over the anvil; and, although the hammer, constantly passed close to the birds and their building, still they went steadily on with their work. In about three days the nest began to assume a rough outline of what its form was eventually to be; its shape, when completed, being very like the half of a tea-cup stuck against a wall. Being curious to see from whence they procured their building-materials, I tracked them to the edge of the stream, where, on a tiny kind of beach, they worked up the clay and fine sand into mortar with their delicate beaks. For ten successive days did these feathered architects, with unwearied patience, journey to and from the brick-field, making their own bricks, carrying them home, and carefully laying them.

The house is built; and next to furnish it. First of all, minute bits of soft dry grass were brought, and laid on the bottom, and round the rough walls; this occupied about two days; then excursions had to be made along the banks of the stream, where ducks' feathers and bits of goose-down were picked up, brought home, and neatly deposited on the grass lining, until the inside was made as smooth and soft as an eider-down pillow. Fifteen days had passed away, and the mansion was completed in every detail. The trustful couple knew no fear. I frequently stood on a log to watch them, their feathers touching my face as they toiled at their brick-work, twisting, shaping, fitting, and gluing the bricks together with an adhesive salivary secretion.

Three days after the work was completed, the first egg was laid, and then one on every second day, until five were in the nest, and the process of incubation commenced. As far as I could observe, the eggs were never uncovered. The hen-bird sat by far the greater part of the time, but, on her leaving the nest to feed, the male invariably took her place; and thus, faithful to each other, they carried on the mysterious process by which yolk, albumen, and shell were changed into brain, bone, and organic tissue; and presently five infantile swallows, that were veritably *all swallow*, gaped greedily for food.

With untiring industry the parents laboured on from "dawn to dewy eve" to feed their hungry family; and, as the fledglings grew and thrived, their house became too small to hold them. As the wing-feathers grew, a rash and restless spirit prompted the little fellows to make hazardous attempts to scramble on to the edge of the nest, to be immediately knocked in again on the return of the old birds.

Abandoning their nursery, three succeeded in gaining a footing on the pole to which the nest was affixed; two unfortunately fell on the floor; and what might have been their fate I know not, if the kind old blacksmiths had not picked them up and replaced them with their brethren. A few days were occupied in teaching the youngsters how to use their wings; and then they all departed from the shanty to brave the perils of the busy world.

I relate this simply as a singular and interesting proof of the trust some birds appear to repose in man, that, in the wildest solitudes of an unexplored country, two swallows should choose a rude building (made by man's hand, where the roaring bellows and clanging hammer kept busy chorus all day long), and therein build a nest and rear their young. Where they would have built in the absence of the shanty I am unable to say. I never found but one nest besides that at Syniak-wateen, and then it was placed under a bridge we had made to cross a small stream.

Varieties.

NATIONAL PORTRAITS.—A National Portrait Exhibition will be opened at South Kensington, in the arcades overlooking the Royal Horticultural Society's Gardens, in April 1866.

LONDON ANTIQUITIES.—The demolition of the Spread Eagle, Gracechurch Street, has brought to light a piece of the wall of Leaden Hall, which was the residence of Sir Hugh Neville in 1309, and was converted into a granary for the city by Simon Eyre, mayor in 1445. It appears to have been a large building covered with lead—an unusual roofing in those days, whence the name. This market escaped the Great Fire, and the market chapel, dedicated to the Holy Trinity, a small, well-proportioned perpendicular building, a view of which is preserved in Wilkinson's "Londinia Illustrata," was not taken down till June 1812.

FENIAN.—Many traditions of the primitive history, contests, and migrations of the Celts had been preserved, as on the British Islands, so principally in Ireland. These were finally revived and remodelled in the second and third centuries of our era by the latest Irish-British immigrants, the Scoti, that came from the north-east, calling themselves by the Irish name *Fiona*, *Fena*—i.e., the blond, or white, from the singular *Fion* (*Kymri gwen*, *gwend*, ancient Celtic *vind*, as in *Vindobona*, etc.).—*Meyer on the Celts.*

THE TOPOGRAPH, A NEW SURVEYING INSTRUMENT.—Captain Lendy, of the Sunbury Military College, exhibited at the British Association an ingenious instrument which will enable any one readily to survey a road, sketch a country, find the height of buildings or mountains, and represent with accuracy the features of the ground of any district. It may be used as a prismatic compass, as a level, or a clinometer, as a plane table with its sight ruler alone, and as a plane table or compass combined to facilitate the finding of stations. Its manipulation is of the simplest kind, and there is no need of scales, measuring-compasses, or protractor; the machine itself protracting the angles and laying down the distances to scale. No previous knowledge of mathematics is necessary for using the topograph. Its weight is under a pound avoirdupois. It can be either used with a staff on the ground, or on horseback, held with the left hand, as a painter holds his palette. To scientific travellers the topograph will be a valuable acquisition.

TYPHUS FEVER.—If infected houses were scrubbed and lime-washed from top to bottom, and kept empty afterwards for not less than ten days only, there is no doubt that they would become safe habitations, if decent sanitary regulations were subsequently enforced. Sanitary inspectors should keep a close watch over the books which show the localities from whence fever cases are removed here, and, on the occurrence of even one case, have the spot thoroughly investigated, and, if necessary, emptied, repaired, and cleansed. By such means I have not a doubt that at least fifty per cent. of the typhus cases and typhus mortality might be prevented. The spots in London from which patients are sent here are so limited in area, though widely yet not diffusely spread, that I have perfect confidence that fairly energetic sanitary measures would be fully competent to meet the main evil.—*Mr. Jeaffreson (of London Fever Hospital).*

PNEUMATIC DESPATCH RAILWAY.—The tube is from the central station at the Bull and Gate, Holborn, to the terminus on the premises of the London and North-western Railway at Euston. The time occupied in running between the two stations, a distance of about a couple of miles, is about five minutes. The driving power is at Holborn, and consists of two twenty-four horse-power steam-engines. These set in motion a disc, the diameter of which is about twenty-two feet, and this immense circular fan revolves with great rapidity in an air-chamber, creating an almost irresistible atmospheric power, which, by the use of the valves, can be used either for blowing the trains through the tubes or literally sucking them back again.

DUTCH WIT.—An educated Hellander, on seeing the words "Italian Warehouse," and "Baby Linen Warehouse," remarked to his friend that we had warehouses for separate nationalities, Italian and Babylonian! (Baby-linen). A German sugar-baker afflicted with a bad wife told his master "She was trornk all tey Saturday night and all te night Sunday morning, and I vos that vild, that I kick the stairs right down her."—"A Dutchman's Difficulties with the English Language."